

**REMARKS**

**Summary of the Office Action**

In the Office Action, claims 8-12 are objected to for certain informalities.

Claims 1-14, 16 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 2001-1247029 (using U.S. Patent No. 6, 464,044 to *Suganuma* as an English equivalent).

Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Summary of the Response to the Office Action**

In the Office Action, claim 8 was amended to address certain informalities. Claim 15 is indicated as objected, but would be allowable if rewritten in independent form. Claims 18 and 19 are withdrawn. Applicants respectfully request reconsideration of pending claims 1-17.

**All Subject Matter Complies with 35 U.S.C. § 102(b)**

Claims 1-14, 16, and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Publication No. 2001-1247029 (using U.S. Patent No. 6, 464,044 to *Suganuma* as an English equivalent). Applicants respectfully traverse the rejection for the following reasons.

Applicants respectfully submit that the Office Action has not established that *Suganuma* anticipates each and every feature of Applicants' claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Namely, Applicants contend that independent claim 1 recites the feature of "an operation restricting portion contactable with the operating lever at the

first position for restricting a movement of the operating lever reaching the second position.” At least this feature is not disclosed or taught by *Suganuma*.

*Suganuma* discloses a conventional hand brake for a manual wheelchair that frictionally engages the outside circumference of its tire. See Figs. 1-2 and col. 1, lines 9-16 of *Suganuma*. However, the hand brake of *Suganuma* fails to teach or suggest at least the above feature of claim 1.

The Office Action states that *Suganuma* discloses “an operation restricting portion 100 contactable with the operating lever at the first position for restricting a movement of the operating lever reaching the second position.” Contrary to this assertion, *Suganuma* discloses a torsion coil spring 100 that is biased against the deflection of pivoting member 84. See *Suganuma* at col. 19, lines 9-12. The torsion coil spring 100 is not “contactable” with the operating lever 160. Because *Suganuma* does not disclose an operating lever 160 that contacts an operation restricting portion feature, it cannot anticipate the invention recited in claim 1.

With regard to independent claim 6, the Office Action does not discuss the features of this claim at all. Namely, at least “a one way clutch apparatus for permitting only to operate the operating lever operated in the predetermined direction and holding the operating lever at a position in accordance with the operating amount,” as recited in claim 6. Applicants respectfully submit that *Suganuma* does not disclose at least these features of the present invention, and thus cannot anticipate the invention recited in claim 6. Furthermore, because *Suganuma* does not disclose the one way clutch apparatus above-mentioned, it also does not disclose “a release apparatus” or “an operating portion” as recited in claim 6.

With regard to independent claim 8, the Office Action states that *Suganuma* discloses “the first operating lever is element 170 and the second operating lever is 160.” Contrary to this assertion, *Suganuma* discloses an operating shaft 160 with a grip member 170 for manually operating the wheelchair hand brake. See Fig. 2 and col. 17, lines 50-67 of *Suganuma*. The operating shaft 160 and grip member 170 are two components in a singular “operating lever.” These components are not designed to be used individually, and thus the features of “a first operating lever and a second operating lever for operating the brake apparatus for individually restricting rotation of the rotating member,” as recited in claim 8 cannot be 170 and 160, respectively. Because *Suganuma* does not disclose these features, it cannot anticipate the invention recited in claim 8.

With regard to independent claim 13, the Office Action does not discuss the features of this claim at all. Namely, the Office Action does not allege that “a supporting member . . . [with] a ring-like connecting portion outwardly fit to a first frame extended in a predetermined direction of the vehicle; and a pivoting movement restricting portion, contactable with a second frame extended in a direction different from a direction of the first frame, for restricting pivoting movement of the supporting member around an axis of the first frame,” as recited in claim 13. Applicants respectfully submit that *Suganuma* does not disclose at least these features of the present invention, and thus cannot anticipate the invention recited in claim 13.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicants respectfully assert that the

rejection under 35 U.S.C. § 102(b) should be withdrawn because *Suganuma* does not teach or suggest each feature of independent claims 1, 6, 8, and 13.

Additionally, Applicants respectfully submit that dependent claims 2-7, 9-12, and 14-17 are also allowable insofar as they recite the patentable combinations of features recited in claims 1, 6, 8, and 13, as well as reciting additional features that further distinguish over the applied prior art.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required.

Respectfully submitted,

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